

DETAILED ACTION

Terminal Disclaimer

The terminal disclaimer filed on July 9th, 2009 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of application 11/174,040 filed on June 29th, 2005 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with James M. Heslin on February 3rd, 2010.

Claims 18-21, 31 and 32 are cancelled.

Allowable Subject Matter

Claims 1, 4-17, 28-30 and 33-37 are allowed.

Reason for Allowance

The following is an examiner's statement of reasons for allowance:

In reference to claims 1, 4-17, 28-30 and 35-37, the prior art does not teach a handle adapted to move the outer shaft relative to both the inner shaft and the handle while the inner shaft remains fixed relative to the handle so as to eject the bronchial isolation device from the housing in combination with other recited limitations.

Art Unit: 3772

In reference to claim 33, the prior art does not teach an actuation member coupled to the handle, wherein movement of the actuation member causes the outer shaft to move relative to the inner shaft and the handle, wherein the outer shaft moves in a proximal direction when the actuation member is moved in a distal direction, and wherein the outer shaft moves in a distal direction when the actuation member is moved in a proximal direction in combination with other recited limitations.

In reference to claim 34, the prior art does not teach an actuation member coupled to the handle, wherein movement of the actuation member causes the outer shaft to move relative to the inner shaft and the handle, wherein the actuation member must be out of an initial position in order to eject the bronchial isolation device from the housing, and further comprising a safety lock that retains the actuation member in the initial position in combination with other recited limitations.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIHIR PATEL whose telephone number is (571)272-4803. The examiner can normally be reached on 7:30 to 4:30 every other Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Bianco can be reached on (571) 272-4940. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3772

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nihir Patel/
Examiner, Art Unit 3772